

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

	:	Case No. 1:01-CV-9000
	:	
IN RE: SULZER HIP PROSTHESIS	:	(MDL Docket No. 1401)
AND KNEE PROSTHESIS	:	
LIABILITY LITIGATION	:	JUDGE O'MALLEY
	:	
	:	<u>MEMORANDUM AND ORDER</u>
	:	

This Court has entered Orders enjoining the prosecution of certain claims and proceedings “until 5:00 p.m. EST, **Friday, March 8, 2002**, unless otherwise agreed to by [certain] individuals . . . and ordered by the Court.” See Order at 2 (Feb. 21, 2002) (“Injunction Order”).<sup>1</sup>

The parties have informed the Court that, despite virtually round-the-clock efforts, they are in need of additional time to finalize the form and content of their proposed settlement and the Final Notice of Proposed Class-Action Settlement, originally designated for distribution to class members by March 1, 2002. The parties have further informed the Court, moreover, that all concerns which prompted issuance of the Injunction Order remain and will remain unabated at least throughout the period during which the notice is finalized and considered by the Court. For these reasons, and others detailed by the parties in appearances before the Court, the parties request an extension of the Injunction Order.

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<sup>1</sup> The Injunction Order is actually a series of Orders, beginning with an Order dated September 17, 2001 and thereafter modified by Orders dated December 20, 2001, January 31, 2002, February 1, 2002, and February 21, 2002. These latter Orders were primarily directed at extending the duration of the initial injunction; the instant Order again postpones the termination date of the injunctive relief.

Because the Court finds that continuation of the injunction as requested is critical to its ability to oversee and ultimately resolve this complex litigation, the Court now **MODIFIES** the Injunction Order again, as follows: the Injunction Order shall remain in force until 5:00 p.m. EST, **Friday, March 15, 2002**, unless otherwise agreed to by the individuals named in the Injunction Order and ordered by the Court. All other provisions of the Injunction Order remain unchanged.

Furthermore, for good cause shown and with agreement of the parties, the Court also modifies certain previously scheduled dates, as follows:

- C **Final Notice**: Final Notice, which will contain the final terms of the Final Settlement Agreement, will be mailed to Class Members on or before **March 15, 2002**. (This date is changed from March 1, 2002).
- C **Opt-out and Objection Deadline**: Class Members who wish to exclude themselves from the Final Settlement shall submit Notice of their intent to opt out on or before **May 14, 2002**, and all such opt-outs shall become effective on **May 14, 2002**. Class Members who wish to do so shall submit their Notice of intent to opt out to the Court's later designated representative anytime after April 12, 2002. The Final Notice will outline the specific manner to properly object or opt out. (The opt-out period is changed from "between receipt of the Final Notice and April 29, 2002;" the period to file objections is unchanged).
- C **Fairness Hearing**: The hearing to determine the fairness of the Final Settlement Agreement will begin on **May 6, 2002**. (This date is unchanged.)

**IT IS SO ORDERED.**

**s/Kathleen M. O'Malley**\_\_\_\_\_

**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**